

CHARTER SCHOOLS & ZONING APPROVAL

- I. **Zoning Ordinance** - All land within the City of Phoenix has a designated zoning classification that regulates the type of uses permitted and sets standards by which those uses may operate (such as building setbacks, lot coverage, and parking requirements). The Zoning Ordinance of the City of Phoenix and the Official Zoning Maps are the regulatory documents that provide direction to a property owner. The Zoning Ordinance also establishes procedures by which property may be considered for rezoning. This process takes approximately three to four months and involves one or more public hearing prior to a final determination. (If you have any questions regarding this process or seek additional information please contact the Planning Department at 262-7131.) However, in most situations rezoning will not be necessary and you may seek development approval based on the standards of the existing zoning district.
- II. **Charter Schools** - The Zoning Ordinance does not specifically list or define charter schools. However, the Ordinance does address public, private, and parochial schools and institutions of higher education (other than business, trade, and technical schools). The Planning Department, by written clarification, had determined that charter schools should be considered the equivalent of the above and therefore permitted to locate in the same zoning districts, subject to the appropriate standards. The City recognizes that charter schools may propose nontraditional standards that were not recognized at the time that the existing standards were adopted, and therefore would consider modification of those standards when appropriate through the Zoning Adjustment process.
- III. **Zoning Requirements** - The following zoning districts permit Charter schools subject to the listed standards. All development requires approval through the Development Services Department (Section 507 of the Zoning Ordinance) prior to the issuance of permits. The extent of the review may vary depending on the nature of the improvements such as new construction versus interior tenant alterations. Once it is determined that the Zoning district will permit the charter school it is appropriate to contact the Development Services Department at 495-0150 to determine the necessary level of review.

Permitted Subject to Site Plan or Development Review (Section 507)

Farm and Residential Districts	5-1, 5-2, R I -1 0, RE-43, RE-24, R 1 - 1 4
Commercial, Commercial Office,	
Industrial Districts	C-2, C-3, RSC, C-0, A-1, A-2
Downtown Core District	DC

Permitted Subject to the Following Standards

1. A lot of 20,000 square feet shall be required for the first 20 students. An additional 10,000 square feet shall be required for each additional 20 students.
2. The lot shall have at least 100 feet of frontage on a major street or with use permit approval, on a collector street.
3. A use permit shall be required if periods of instruction extend beyond the hours of 7 am to 4 pm.
4. A site plan in conformance with Section 507 shall be required of any private educational institution, parochial school, or private institution of higher education located in a residential district.

Single-family and Multifamily Residential Districts	RE-35, RE-24, R1-18, R1-10, R1-8, R1- 6, R-2, R-3, R-3A, R-4, R-4A, R-5
Commercial Districts	C-1

Districts within which schools are not permitted

Residential Office	R-0
Planned Shopping Center	PSC
Resort	RH
Planned Area Development (Residential)	P.A.D.

IV. Zoning Adjustment Process

This process provides a means by which a hearing officer may consider “variances” to the standards of a zoning district when it is found that certain conditions exist on the subject site (please refer to the handout entitled “Basis for Zoning Administrator's Hearing Officer Actions on Variance and Use Permit requests”). As noted, the tests of a variance are sometimes difficult to meet and the burden of proof rests with the applicant. However, the Zoning Ordinance does not specifically address the unique standards that may be “typical” of charter schools, particularly with regard to minimum site size and location on a major street, thereby providing added support for variance consideration.

The Use Permit process (such as a request to extend the hours of operation or locate a school on a collector street) is similar in procedure to the variance process but utilizes different conditions in its review.

The typical time required to have a use permit, variance, or combination thereof, heard by the hearing officer is three (3) to four (4) weeks. The **filing** fee for applicable variances is \$255.00. A similar fee of \$255.00 is required for use permits. In certain instances fee waivers of up to \$500.00 may be available for non-profit agencies providing services which promote City policy. (Please contact Planning Department staff for further detail.) For the majority of

applications, the process is completed following the action of the Hearing Officer. However, as with most public hearings, an appeal process is available to the applicant or general public. Appeals are scheduled with the Board of Adjustment within approximately 30-45 days. Subsequent appeals may be made to the City Council or Superior Court.

V. Can the Process be Simplified?

As the City gains understanding of the nature of charter schools and the methods by which they operate, it is anticipated that a Text Amendment to the Zoning Ordinance will be processed to specifically address the needs of charter schools while providing appropriate safeguards to the community. For example, some charter schools may consider locating facilities in certain zoning districts (such as the commercial or industrial districts) that have not been typically used by other schools and may need to address the long term compatibility of adjacent land uses.

Whatever the circumstances, now or in the future, the City of Phoenix is committed to providing charter schools the assistance necessary to efficiently and effectively process all applications. Planning Department staff are available to answer your questions on zoning and assist you in processing any necessary applications.

Please call the Planning Department at 262-7131 or stop by the zoning counter on the 2nd floor of the City Hall, 200 West Washington, Phoenix, AZ 85003.

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